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7 **THE DISTRICT COURT OF GUAM**

8 ANGELINE SABLAN,

9 Plaintiff,

10 vs.

11 CORE TECH RESORT, LLC, dba
12 BAYVIEW HOTEL and OCEANVIEW
HOTEL AND RESIDENCES,

13 Defendant.

CIVIL CASE NO. 19-00138

**SECOND ORDER re DEFENDANT'S
MOTION IN LIMINE REGARDING
VARIOUS EXHIBITS IDENTIFIED BY
PLAINTIFF**

14 Before the court is Defendant's Motion in Limine Regarding Various Exhibits Identified
15 by Plaintiff (ECF No. 59) ("Motion"). The only remaining issue on this Motion is that Defendant
16 seeks to exclude a Pacific Daily News (PDN) weather report for the day of the alleged fall ("the
17 PDN report"). *See* ECF Nos. 59 & 114.

18 In her Opposition and during oral argument Plaintiff did not identify any hearsay exception
19 in the Federal Rules of Evidence that would apply to the PDN report. *See* ECF No. 80. The court
20 finds that none would apply, and therefore the Motion to exclude the PDN report as evidence is
21 GRANTED.

22 In her Opposition, however, Plaintiff asked the court to take judicial notice of the PDN
23 report. *See* ECF No. 80. The court heard oral argument regarding the PDN report at the hearing
24 on February 10, 2023. *See* Fed. R. Evid. 201(e).

1 “No doubt judicial notice of weather generally can be taken from appropriate sources.”
2 *Flake v. Arpaio*, No. CV-15-01132, 2018 U.S. Dist. LEXIS 88176, *2 (D. Ariz. May 25, 2018);
3 *see, e.g., Souliotes v. Hedgpeth*, No. 1:06-cv-00667, 2012 WL 1458087, at *30 n.28 (E.D. Cal.
4 Apr. 26, 2012). But Plaintiff does not ask the court to take judicial notice of the *weather* on July
5 16, 2018—she asks the court to take judicial notice of the *PDN report*, which states that,
6 according to the National Weather Service, a thunderstorm advisory would be in effect on July
7 16, 2018. The fact that a thunderstorm advisory was in effect is a fact that “can be accurately and
8 readily determined” by referencing the PDN report. *See* Fed. R. Evid. 201(b)(2). The court finds
9 that PDN can reasonably be relied upon to accurately report a storm advisory put out by the
10 National Weather Service. The PDN report is therefore from a “source[] whose accuracy cannot
11 reasonably be questioned.” *See id.* As such, Plaintiff’s request for judicial notice is GRANTED.

12 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Feb 14, 2023